

Docket No.: T09-0050
2nd Supp.
Bench Date: 07/09/2014
Deadline: N/A

M E M O R A N D U M

TO: The Commission
FROM: Timothy E. Duggan, Administrative Law Judge
DATE: June 19, 2014
SUBJECT: Illinois Central Railroad Company, City of Lincoln, and the State of Illinois, Department of Transportation.

Stipulated Agreement regarding improving public safety at the Nicholson Street highway-rail grade crossing of the Illinois Central Railroad Company's track in Lincoln, Logan County, Illinois, designated as crossing AAR/DOT #292 764X, railroad milepost 43.85-B.

RECOMMENDATION: Enter Second Supplemental Order authorizing re-obligation of \$3,571.13 in GCPF assistance and additional GCPF assistance of \$3,029.84, totaling \$6,600.97, for a total amount of prior and presently authorized GCPF assistance to \$123,066.84.

On August 5, 2013, Illinois Central filed a Petition for a Supplemental Order authorizing previously authorized GCPF contribution amounts to be re-obligated and to authorize additional GCPF assistance, all to cover reimbursement amounts authorized after the originally authorized reimbursements were paid. The request is for a re-obligation of \$3,571.13 GCPF assistance, and additional GCPF assistance of \$3,029.84, totaling \$6,600.97 to be authorized in this Order, and bringing the total amount of prior and presently authorized GCPF assistance to \$123,066.84. Hearing was held on January 15, 2014.

The original Order was entered on May 20, 2009. The Order required IC to install new automatic flashing light signals and gates controlled by constant warning time circuitry at a crossing in Lincoln, Illinois. The Order allocated cost percentages among the parties, including GCPF assistance which was capped at not to exceed \$120,037.00. Any installation costs above the total estimated cost of \$141,220.00 would be eligible for GCPF assistance in the same percentages subject to approval by the Commission.

IC previously was reimbursed for costs totaling \$116,465.87. The balance of \$3,571.13 in GCPF assistance was de-obligated. Subsequently, IC received notification from the FHWA and IDOT that IC would be allowed to increase their additive rates for work performed on or after January 1, 2010. On April 10, 2012, the Company submitted an updated final bill to collect money authorized under the new additive rates.

The money the Company seeks in this matter is \$6,600.97, which is \$3,029.84 above the original GCPF obligation. Therefore, IC requests a re-obligation of \$3,571.13, and an increase of \$3,029.84 over the \$123,066.84 GCPF assistance previously authorized.

Staff, IDOT, and the City each have no objection. A Proposed Order was issued to all Parties and Staff. No exceptions were filed.

I recommend entry of the attached Order approving re-obligated and additional GCPF assistance.